


UNITED STATES DISTRICT COURT

for the
Western District of Texas

FILED
FEB 28 2012
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

United States of America

v.

Case No. 12-949

Ricardo Gabriel VALENCIA*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 25, 2012 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

*Code Section**Offense Description*8 U.S.C. 1324 (a)(1)(A)(ii) and
(a)(1)(B)(i)

knowing and in reckless disregard of the fact that an alien has come to, entered,
 and remained in the United States in violation of law, did transport, move, and
 attempt to transport and move such alien within the United States in furtherance of
 said violation of law, for the purpose of commercial advantage and private
 financial gain.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*NESTOR CANALES, SPECIAL AGENT*Printed name and title*

Sworn to before me and signed in my presence.

Date: February 28, 2012City and state: El Paso, Texas*Judge's signature*Robert F. Castaneda, U.S. Magistrate Judge*Printed name and title*

AFFADAVIT

On February 25, 2012, Border Patrol Field Intelligence Agent (FIA) Aren Miranda was in the vicinity of Hawthorne and Shuster, El Paso, Texas. At approximately 8:30 AM in the aforementioned location FIA Miranda observed a white Checkered Cab parked at the apartment complex of 1700 Hawthorne, El Paso, Texas. After about fifteen minutes of surveillance, FIA Miranda heard the taxi cab honk twice, and then observed three subjects wearing dirty clothing enter the taxi and leave the location. FIA Miranda proceeded to follow the vehicle to the intersection of Kerbey and Mesa, where he performed a traffic stop to conduct an immigration inspection. FIA Miranda questioned each subject as to their citizenship, three readily admitted to being citizens of Mexico without the proper documentation to enter or remain in the United States legally, and the driver admitted to being a United States citizen.

All three undocumented aliens (UDA) were apprehended and transported to the Paso Del Norte Border Patrol Processing Center (PDT) for further processing. At PDT, one of the individuals was identified as cooperating defendant Lorenzo RAMIREZ.

At the intersection of Kerbey and Mesa Streets, Ricardo VALENCIA was read his constitutional rights on the I-214 form. VALENCIA acknowledged in writing that he understood his rights and agreed to make a statement without the presence of an attorney.

VALENCIA told FIA Miranda he was doing a favor for another taxi driver by the name of David. VALENCIA further stated that David would pay him \$100 US currency for giving the UDAs a ride to Leon Street, El Paso, Texas. VALENCIA also acknowledged that he did have knowledge that the three passengers were UDAs, because he was advised by David. FIA Miranda then placed VALENCIA under arrest and transported him to PDT for further processing.

At PDT, VALENCIA was again advised of his constitutional rights on the I-214 form, and again acknowledged in writing that he understood his rights and agreed to make a statement without the presence of an attorney.

VALENCIA again advised FIA Miranda that he was asked by David if he could pick up three UDAs from 1700 Hawthorne Street, El Paso, Texas, and transport them to the intersection of Leon and Mesa Street, which he accepted. Additionally, VALENCIA admitted he would be paid \$100 US currency for the transportation of the UDAs. VALENCIA also advised FIA Miranda that the taxi dispatcher had no knowledge of him picking up a group of three at the location of 1700 Hawthorne Street.

VALENCIA invoked his right to an attorney when given an opportunity to provide a written statement.

At PDT, RAMIREZ was read his constitutional rights on the I-214 form. RAMIREZ acknowledged in writing that he understood his rights and agreed to make a statement without the presence of an attorney.

During the initial interview RAMIREZ, stated to FIA Miranda that an uncle made arrangements for his smuggling with a smuggler from Ciudad Juarez, Mexico. RAMIREZ said that on February 25, 2012, an unknown male by the name of "El Negro" advised the group as how they were to cross into the United States and where they're pick up location would be. RAMIREZ also advised that a white taxi would be waiting for their group once arriving to the vicinity of Hawthorne and Schuster. Once arriving to the aforementioned location, a white taxi would signal by honking twice, which confirmed it was their pick up vehicle. RAMIREZ added that upon entering the cab, the driver questioned the group of UDAs, as to what took them so long.

I make this affidavit on the basis of my personal knowledge and information furnished to me by other law enforcement officers.